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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,783	05/24/2001	Indra Laksono	VIXS 006	8015

34280 7590 10/05/2007
TIMOTHY W. MARKISON
VIXS, INC.
P.O.BOX 160727
AUSTIN, TX 78736

EXAMINER

BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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10/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/864,783	Applicant(s) LAKSONO, INDRA	
	Examiner Reuben M. Brown	Art Unit 2623	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
- NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL -324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See enclosed Advisory Action.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

ADVISORY ACTION

Response to Arguments

1. Applicant's arguments filed 9/4/2007 have been fully considered but they are not persuasive. Applicant's arguments, found on pages 30-32, is that the system 10 in Hylton does not transmit the claimed, 'set of TV channels', to the TIM 101, but instead transmits only one channel, the selected channel to the TIM 101, applicant cites col. 18, lines 34-37.

Examiner firsts of all, points out that applicant argues a limitation not in the claims. On page 30, final paragraph, applicant asserts that Hylton system 10 does not transmit to the STT 100 a set of TV channels, emphasis added. However, claims 1 & 34 more broadly recites, 'network interface controller to receive encoded channel data that represent a set of channels'. The claims do not specifically recite that a set of TV, i.e., RF channels are transmitted to the client module.

Hylton, col. 4, lines 60-66 states, "shared processing system selects program signals from those available on the network 5 for each of the terminals 100, digitally multiplexes those signals together in a single stream and broadcasts that stream throughout the premises.

It is noted that claim 1, recites, receiving the set of channels as a stream of data, which is not necessarily the same as receiving a range of RF channels, as applicant appears to argue.

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Thus, the claim language recited in claim 1, appears to be consistent with the teaching of Hylton that a plurality of programs are broadcasts to the plurality of STT 100, as a digital transport stream.

Col. 18, lines 30-34, states "The input to the TIM is a broadband RF signal from antenna 29. The **tuner selects a specific channel from the broadband input spectrum** and presents it at an intermediate frequency to the digital communications receiver station 203, emphasis added. Thus it is clear that a broad range of channels (e.g., from the broadband input spectrum) are available to each tuner 201 of the TIM 101. The tuner 201 still has to select the appropriate channel, from the broad spectrum of channels. The channel selected is the channel that carries the requested program information. Therefore, this passage meets the limitation, 'receiving the set of channels...', recited in claim 1.

It is further noted that claim 34, merely recites, 'encoded data **represents** a set of channels', emphasis added. Thus, claim 34 does not actually recite that a set of channels, are transmitted/received, but that data representing a set of channels. Moreover, claims 1 & 34, do not explicitly recite any content that may be carried on the claimed, 'set of channels'. Therefore even if only one RF channel has program information, among the broad spectrum of channels from which the STT 100 can select from, the claims are still met, since there is no recitation that for instance, the set of channels all carry TV program information, perse.

In light of the above discussion, the final rejection mailed 7/6/2007 is maintained.

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Any response to this action should be mailed to:

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or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

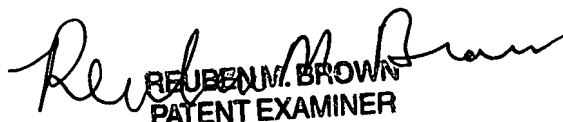
(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown


REUBEN M. BROWN
PATENT EXAMINER